

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANTHONY M. TRACY,  
 Plaintiff,

vs.

US BANK, HOME MORTGAGE, *et al.*,  
 Defendants.

Case No. 2:14-cv-02202-GMN-GWF

**ORDER**

This matter is before the Court on Plaintiff's Motion to Hold Defendants in Contempt of Court, to Compel Discovery; or in the Alternative, to Strike Defendant's Answer and Proceed to Default, to Extend the Discovery Cut Off to Allow for Receipt of Said Discovery; to Confirm Matter Proceeding Under Initial Complaint; For Fees and Costs, and Related Relief (#31), filed on October 7, 2015. Defendant U.S. Bank filed a Response (#35) on October 26, 2015.

Plaintiff argues that Defendants should be sanctioned for failing to respond to Plaintiff's discovery requests. Plaintiff represents that interrogatories were served upon non-parties Maria Shackelford and Joseph Wilson, and that no response was ever filed. Defendant argues that interrogatories may only be served upon other parties and that Plaintiff had failed to conduct the requisite meet and confer before filing this motion with the Court. Defendant argues that Plaintiff's failure to meet and confer is a violation of Fed. R. Civ. P. 37(a) and Local Rule 26-7. Finally, Defendant notes that it did object to the interrogatories in a timely fashion on June 8, 2015.

Interrogatories may only be served on a party to the lawsuit. FRCP 33(a)(1) *See also Ward v. Empire Vision Centers, Inc.*, 262 F.R.D. 256, 261 (W.D.N.Y. 2009). Additionally, the Court finds the Plaintiff did not comply with the meet and confer requirement in both the federal and local rules. Because the Court will deny Plaintiff's motion, sanctions are inappropriate. Accordingly,

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge